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5 Attorney for Defendant DELAY GRAHAM

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8 **UNITED STATES DISTRICT COURT**
9 **NORTHERN DISTRICT OF CALIFORNIA**
10

11 UNITED STATES OF AMERICA

No. CR16-cr-00538-JSW-1

12 Plaintiff,

**STIPULATION AND ~~PROPOSED~~
ORDER RE FILING DATE FOR
DEFENDANT'S SURREPLY AND
SETTING HEARING DATE**

13 v.

14 DELAY GRAHAM, et al.,

15 Defendant.
16 _____/

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18 This Stipulation and [Proposed] Order is in response to the Court's Order re Motion to
19 Suppress Hearing and Briefing Schedule. (Dkt. No. 33).

20 As a preliminary matter, newly appointed counsel for the defendant, Robert Waggener,
21 intends to proceed with the motion to suppress previously filed in this case (Dkt. No. 20), and is
22 electing to adopt the prior briefing on that motion drafted by prior counsel. New counsel
23 continues to familiarize himself with the full complement of discovery in the case and to
24 establish a relationship with the defendant. The parties are also meeting and conferring to attempt
25 to informally resolve issues relating to the case.
26

27 **IT IS HEREBY STIPULATED AND AGREED** between the parties that the filing date
28 for Defendant's surreply on the motion to suppress be set for August 29, 2017. The hearing date

1 for the motion to suppress shall be set for September 12 at 1:00 p.m.

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4 Dated: August 11, 2017

/s/

ROBERT WAGGENER
Attorney for Defendant
DELAY GRAHAM

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9 Dated: August 11, 2017

/s/

SCOTT D. JOINER
Assistant United States Attorney

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13 **IT IS SO ORDERED.**

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16 Dated: August 14, 2017



HONORABLE JEFFREY S. WHITE
United States District Court Judge